IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

REVIEW PETITION ST. NO.8634 OF 2007
IN
WRIT PETITION NO.6332 OF 2005

Association of Management of Homeopathic Medical Colleges of Maharashtra. ...Petitioner.

Vs.

Pravesh Niyantran Samiti & Ors. ...Respondents.

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Ms.Rajani Iyer with Ms.C. Salgaoncar-Radia for the Petitioner.
Mr. A. A. Kumbhakoni, Associate Advocate General for Respondent Nos.2 and 3.
Mr.Firdous Pooniwala with Mr. Anant Upadhya i/b.Shaunak Satpute & Co. for Respondent No.4.
Mr. Anant Upadhya i/b. Shaunak Satpute & Co. for Respondent Nos.5 and 6.
Mr. R.S. Shekhawat i/b. Mr.Shekhar Naphade for Respondent No.8.

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CORAM : DR.D.Y.CHANDRACHUD &

R.S. MOHITE, JJ.

JUNE 12, 2007.

P.C.

Counsel appearing on behalf of the Petitioner undertakes to get the Review Petition numbered within the course of the week. By consent, the Review Petition is taken up on Board and has been

heard.

2. The Review Petition has been filed by the Association of Managements of Homeopathic Medical Colleges of Maharashtra. The grievance of the Review Petitioner is that they were not heard when a scheme was framed by consent before this Court on 10th August 2006, at the behest of the Association of Managements of Unaided Private Medical and Dental Colleges, the Parents' Association of Medical Students and the State of Maharashtra. The main grievance of the Review Petitioner is that the Homeopathic Medical Colleges in the State do not stand on the same footing as the Unaided Medical & Dental Colleges inasmuch as a large number of seats are left vacant in the course of the admissions' process.

At the hearing of the Review Petition, Counsel appearing on behalf of the Review Petitioner has stated before the Court that the provisions made in the scheme, which forms part of the order dated 10th August 2006, properly construed, adequately protect the rights of the Review Petitioner. On the basis of the scheme, it has been

stated that the Private Homeopathic Medical Colleges in the State of Maharashtra will abide by the result of the Common Entrance Test (CET) conducted by the Government of Maharashtra for carrying out the first round of admissions since the Association does not intend to hold a separate CET of its own. The scheme as formulated before this Court envisages in clause (e) that while the scheme shall also govern all Colleges other than Medical and Dental Colleges, such Colleges shall be governed only to the extent of the first round of the Centralised Admission Process. In other words, it has been clarified in clause (e) that the respective Associations and/or such Colleges would at the conclusion of the first round, issue a common advertisement for facilitating the submission of the applications to the respective Colleges for seeking admission. The Court has been informed that in view of the time schedule spelt out in the table appended in sub-paragraph (ix) of Para D, it has been envisaged that the selection process for the first round would be completed by 25th July 2007. In the circumstances, with this clarification, no further directions are sought in the Review Petition. By way of abundant caution, it is clarified by consent that the first round of admissions

shall be carried out by the State Government on the basis of the CET conducted by the State. After the process of admission is concluded for the first round, admissions shall thereafter, be given by the Private Homeopathic Medical Colleges on the basis of the results either of the CET conducted by the State or the CET conducted by the Association of Private Unaided Medical Colleges. It is, however, understood and accepted that the Colleges shall abide by the norms laid down by the Central Council of Homeopathy and the admissions will be granted strictly on the basis of merits. The review petition is disposed of.

(DR.D. Y. CHANDRACHUD, J.)

(R. S. MOHITE, J.)